IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

BRIAN TURNER NUNLEY,)
Plaintiff,) Case No. 7:18CV00397
V.) OPINION
MEDIKO MEDICAL CO., ET AL.,) By: James P. Jones) United States District Judge
Defendants.)

Brian Turner Nunley, Pro Se Plaintiff.

Brian Turner Nunley, a Virginia inmate, filed a pro se civil rights Complaint under 42 U.S.C. § 1983, alleging that he was not receiving appropriate mental health treatment while in jail. By Order entered August 13, 2018, the court directed Nunley, within twenty days from the date of the Order, to sign an enclosed consent to withholding of fees form and return it to the court, in order to complete an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(b). This section requires a prisoner litigant to pay the \$350 filing fee for a civil lawsuit in this court, but allows him to pay the filing fee in installments withheld from the monthly income to his inmate trust account. Nunley was advised that a failure to comply with the Order would result in dismissal of this action without prejudice.

More than a month has elapsed, and Nunley has failed to comply with the Order. Accordingly, the court will dismiss his action without prejudice. He may

refile his claims in a separate lawsuit once he is prepared to comply with the required conditions.

A separate Final Order will be entered herewith.

DATED: October 3, 2018

/s/ James P. Jones

United States District Judge